

### REMARKS

Claims 3-25 and 48-70 are pending in the application. Claims 12, 50 and 67 stand rejected under §112 for the reasons discussed in the pending Office Action. Claims 3-7, 10-11, 14-17, 19-24, 50, 53-54, 56, and 60-69 stand rejected under §102 or §103 as unpatentable over the cited prior art, namely, Lin '416. Claims 8, 9, 18, 25, and 70 are allowed, and claims 12-13 are indicated to be allowable if amended to overcome the §112 rejection noted above. For the reasons set forth below, favorable reconsideration of the amended application is respectfully requested.

First as to the rejections under §112, claims 12, 50, and 67 are amended by this paper to overcome the §112 rejections stated in pending Action. Reconsideration of the amended claims is therefore respectfully requested.

As to the rejections under §102, the pending claims are believed to be patentable over the cited prior art (Lin '416) because the pending claims are limited to implants that have a substantially solid center when the implant is in its first (folded) configuration. Such implants are not neither disclosed or suggested by Lin '416, for the reasons discussed in applicant's Response to Office Action filed February 19, 2004 in this case.

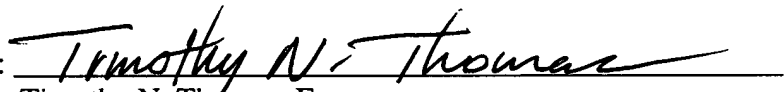
To clarify that such claims are supported by the specification as originally filed, the specification is amended by this paper to explicitly disclose subject matter that was at least inherently disclosed in the application as filed. In particular, the specification is amended to explicitly disclose that some preferred embodiments have a substantially solid center when the implant is in its first (folded) configuration. That feature is shown in the drawings as originally filed, including, for example, FIGS. 15A, 15B, 15F, 15G, 15H, 15I, 15J, and 22A-Q, all of which show implants having a substantially solid center when the implant is in its

first configuration. In contrast, FIGS. 15E, 15K, and 15L show implants that do not have a substantially solid center when the implant is in its first configuration.

The specification is also amended to make it clear that when evaluating whether an implant has a substantially solid center when the implant is in its first configuration, reference is made to the implant when viewed from a top (plan) view, as shown in FIGS 15A-N and in FIGS. 22A-Q. The substantially solid center referred to above does not refer to the center of the implant when viewed from an end view (or cross section) when the implant is in its straightened configuration.

In view of the amendments to make it clear that the implants claimed in the pending claims have a substantially solid center when the implant is in its first configuration, (but not necessarily when viewed from an end view when the implant is in its straightened configuration), it is respectfully submitted that the claimed invention is patentably distinct over the implant of Lin '416, for the reasons discussed in applicant's February 19, 2004 Response to Office Action. Favorable reconsideration of the amended application is therefore respectfully requested.

Respectfully submitted,

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